

FILED

JAN 12 2017

Clerk, U.S. District Court
Texas Eastern

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

DIETRICK LEWIS JOHNSON, SR.,	§	
Plaintiff,	§	
vs.	§	CIVIL ACTION NO. <u>4:17cv27-ALM-KPJ</u>
	§	
RAFAEL DE LA GARZA, II.,	§	CIVIL RIGHTS COMPLAINT,
THE DE LA GARZA LAW FIRM, P.C.	§	PURSUANT TO 42 U.S.C. §
	§	1983, 1985, 1986 and 1988.

1.
JURISDICTION AND VENUE

This is a Civil Action authorized by 42 U.S.C. § 1983, 1985, 1986 and 1988, to redress the deprivations under color of state law, of rights secured by the Constitution of the United States. This court has jurisdiction under 28 U.S.C. § 1331(A)(3) and 1343(A)(B). The plaintiff seeks declaratory relief, pursuant to 2201 and 2202.

2.
VENUE

This United States District Court for the Eastern District of Texas, Sherman Division, is the proper venue under 28 U.S.C. § 1391(B)(2), because it is where the events given rise to these claims occurred.

3.
PLAINTIFF

The plaintiff; "Dietrick Lewis Johnson, Sr.," is and was at all times mentioned herein, a prisoner of the State of Texas and the United States Government, where he is currently in custody of BEAUMONT FCI COMPLEX (MED), BEAUMONT, TEXAS.

4.

The defendant; "Rafael De La Garza, II.," was the plaintiff's defense counsel, who represented him. The defendant at all times mentioned was acting under color of State law.

5.
FACTS OF THE CASE

It is the plaintiff's contention that the defendant; "Rafael De La Garza, II.," never engaged himself to act with any competence, or diligent representation. In this regard, the defendant never acted with any competence, commitment, or any dedication to the interest of the plaintiff. Moreover, the defendant, never engaged in any type of manner and never showed any type of professional obligation to pursue any matter on the behalf of the plaintiff, with any kind of reasonable diligence, or promptness. In addition, there was no preparation, or investigation done on the behalf of the plaintiff.

6.

PLAINTIFF'S FIRST LEGAL MALPRACTICE CLAIM AND CAUSE OF ACTION

Plaintiff asserts the fact that this two dollar shyster, or unscrupulous defense counsel, who deliberately, intentionally, and with malicious intent, willfully neglected every legal matter entrusted to him by frequently failing to carry out completely the obligation that he owed to the plaintiff, in violation of his equal protections and privileges under the United States Constitution.

7.

PLAINTIFF'S SECOND LEGAL MALPRACTICE CLAIM AND CAUSE OF ACTION

Plaintiff asserts and maintains the fact that, due to this unscrupulous defense counsel's neglect, his inattentiveness and conscious disregard for the responsibilities he owed to the plaintiff, which the plaintiff suffered, because of the violations of his equal protections, privileges and immunities under the law.

8.

PLAINTIFF'S THIRD LEGAL MALPRACTICE CLAIM AND CAUSE OF ACTION

Plaintiff further asserts and maintains the fact that this shyster, or unethical defense counsel, willfully, deliberately, and in all professional functions, never pursued any of the plaintiff's legal interest within the grounds of the law. The defendant never was competent, prompt, or diligent in any regard, and never maintained communication with the plaintiff concerning

his legal assistance, and did not give the plaintiff one iota of his professional time on behalf of the plaintiff. See, 4:16cv521, and Exhibit 1. Attachment.

9.

STATUTE OF LIMITATIONS AND LEGAL DEADLINES

In Federal Civil rights case's, the statute of limitations begins to run when the cause of action accrues or commences. This occurs when the plaintiff finds out and knows of the defendant's neglect to defend the plaintiff. The key issue here is this; "when did the plaintiff know or found out about the Constitutional violations? The plaintiff just found out about the defendant's neglect to defend him in May of 2016. The plaintiff is now asking the court to excuse the limitations requirement in the name of justice, because the defendant have been unjust.

10.

COLOR OF STATE LAW AND IMMUNITY ISSUE'S

The plaintiff asserts and contends that (1), the defendant violated his Constitutional rights and (2), the rights that were violated was clearly established, and the defendant was personally responsible for the violations of the plaintiff's Constitutional rights, because the defendant deliberately violated the plaintiff's Constitutional rights. Moreover, in a case called, Monroe v. Pape, 365 U.S. 167, held that government official's could be sued under § 1983. Again, as the Supreme Court

stated in Monroe v. Pape, 365 U.S. 167; "Just because the evil doer is clothed with the shield of authority, doe's not exempt him from his evil acts."

11.
PRAYER FOR RELIEF

The plaintiff has no plain, adequate panacea at law to redress the wrongs described herein.

1.

Granting the plaintiff; "Dietrick Lewis Johnson, Sr.," a declaration that the evil acts and omissions described herein violated the plaintiff's rights under the Constitution and laws of the United States.

2.

Granting the plaintiff; "Dietrick Lewis Johnson, Sr.," compensatory damage set in the amount of Five Hundred Thousand dollar's (\$500,000.00). Against the defendant for being in violation of the plaintiff's equal protections and privileges under the United States Constitution.

3.

Grant the plaintiff punitive damages set out in the amount of Five Million dollars (\$5,000,000.00). Against the defendant for violating the plaintiff's right to due process, which the defendant breached his legal duty owed to the plaintiff.

4.

A jury on all issue's triable by jury.

5.

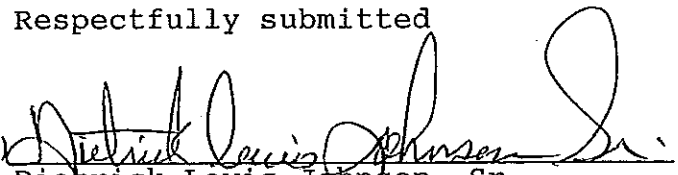
Plaintiff's cost in the suit and legal fee's in the event that this court see fit to appoint plaintiff counsel in this matter.

6.

Any additional relief this court deems just, proper, and acquitable.

Respectfully submitted

(S)


Dietrick Lewis Johnson, Sr.
Reg. No. 19831-078

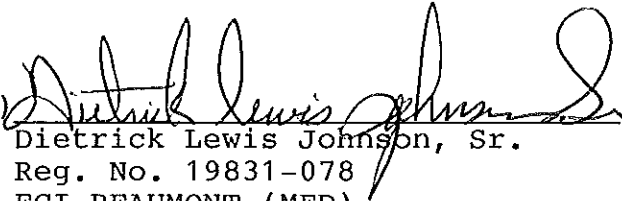
CERTIFICATE OF SERVICE

I, Dietrick Lewis Johnson, Sr., hereby certify that a true and correct copy of the foregoing is being submitted to:

TO: THE CLERK OF THE COURT
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
101 E. PECAN ST., STE. 112
SHERMAN, TEXAS 75090

EXECUTED ON January 1, 2017

Respectfully submitted

(S) 
Dietrick Lewis Johnson, Sr.
Reg. No. 19831-078
FCI BEAUMONT (MED)
P.O. BOX 26040
Beaumont, Texas 77720-6040

cc: p/file